

DAC
✓
A



PTO/SB/61 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: **Ricky C. Yeung**
Application Number: **09/929,271**

Art Unit: **1761**
Examiner:

Filed: **August 15, 2001**

Title: **A PROCESS FOR BAKING A FOOD PRODUCT**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ **\$55.00** (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
Amendment (identify the type of reply):

☒ has been filed previously on **September 7, 2004**

☐ is enclosed herewith.

B The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/14/2004 BSAYASI1 00000032 09929271

01 FC:2452

55.00 OP

BEST AVAILABLE COPY



PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature Date

Stephen E. Feldman, P.C. 22,473
Typed or printed name Registration Number, if applicable

12 East 41st Street 212-532-8585
Address Telephone Number

New York, New York 10017
Address

- Enclosure ☒ Fee Payment
- ☐ Reply
 - ☐ Terminal Disclaimer Form
 - ☐ Additional sheets containing statements establishing unavoidable delay
 - ☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

9/30/04 Leslie Hines
Date Signature

Leslie Hines
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature

September 24, 2004
Date

Stephen E. Feldman, P.C.

Typed or printed name

22,473
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Richy K. C. Yeung

Application No.: 09/929,271

Filed : August 15, 2001

Art Unit: 1761

For : A PROCESS FOR BAKING
A FOOD PRODUCT

Examiner: R. A. Madsen

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT UNDER 37 CFR 1.116

Dear Sir:

This amendment is submitted under the provisions of 37 CFR 1.116 and is responsive to the Office Action dated June 9, 2004.

Please enter the following amendments in the above captioned application:

Amendments to the Claims

1. (Previously Twice Amended)
2. (Previously Canceled)
3. (Previously Amended)
4. (Previously Canceled)
5. (Previously Amended)
6. (Cancel)
7. (Original)
8. (Original)
9. (Original)
10. (Original)
11. (Previously Added)

REMARKS

This amendment is submitted under the provisions of 37 CFR 1.116 and is responsive to the Office Action dated June 9, 2004 pursuant to which all the claims in the case (i.e., claims 1, 3 and 5 - 11) stand finally rejected under 35 USC 103(a).

Per this amendment, claim 6 has been canceled as the sum and substance of this claim was previously included in claim 1 by applicant's amendment filed December 4, 2003. Therefor, the claims now present for consideration are claims 1, 3, 5 and 7-11.

US Patent 4,690,967 to LaGarde, et. al. has been combined with US Patents 6,197,359 B to Llorente Hompenera, 3,310,521 to White and 6,063,894 to Phipps, et.al as well as with Japanese Abstract 73,014,145 B assigned to Osaka Titanium Co. to support the 35 USC 103(a) rejection of all the claims now under consideration.

This rejection is respectfully traversed and its reconsideration is respectfully solicited.

The patent to LaGarde, et.al. discloses organopolysiloxane compounds obtained by incorporating a plurality of additives into hot silicone compositions. (Col. 3, ll. 43-46) The compositions contain an organopolysiloxane gum reinforcing additive; an organic peroxide; and, at least 3 out of 4 fillers selected from the group of fillers consisting of an organohydrogenpolysiloxane, an organofluorinated polymer, an organopolysiloxane compound and a boron compound. (Col. 3, l. 63-Col. 4, l. 7). The compositions are obtained using known mechanical mixing means followed by heat curing and post-heat curing. (Col. 12, ll. 7-37). The products obtained include gaskets, sections, tubes, sealing rings, headlamp lenses, sparkplug caps, door and window frame seals, seals for oven and refrigerator products, tubes for blood transfusions and dialysis, nipples, plugs and plates for food insulation (i.e.; hot plates) (Col.12, ll. 59-55 and Col. 13, ll. 3-9).

There is no suggestion, much less disclosure, in the LaGarde, et.al patent of a flexible and foldable mould useful for baking a food product nor a means for removing the odor of a peroxide cross-linking agent by rinsing the formed mould with boiling water nor cleaning the rinsed mould by subjecting it to ultrasonic treatment all as set forth in applicant's claimed invention. In addition, the LaGarde composition includes at least 3 to 4 fillers whereas applicant's process does not include any fillers.

The Llorente Hompenera patent discloses using a methyl-vinyl-polysiloxane to produce baking and confectionery molds (Col. 2, ll. 20 - 24 and 65 - 67). The methyl-vinyl-polysiloxane mold is obtained by a cross-linking

process using platinum as a cross-linking agent (Col. 3, ll. 34 - 50) as it does not produce toxic peroxide residues or odors (Col. 4, ll. 3 - 6). The polymerization process includes molding the ethyl-vinyl-polysiloxane in the presence of the platinum cross-linking agent at an elevated temperature to obtain a mold; post-curing the mold in a hot air oven or forced circulation oven; and, placing the post-cured product in an industrial washer/dryer (Col. 4, ll. 11 - 21).

The use of platinum as a cross-linking agent in the Llorente Hompenera process instead of a peroxide is submitted to be a teaching directly away from applicant's claimed process. Furthermore, applicant's claimed process includes rinsing the molded product obtained in boiling water, not in an industrial washer/dryer. There is no suggestion, much less disclosure, in the Llorente Hompenera patent of exposing the product to ultrasonic treatment.

The patent to White discloses a curable organopolysiloxane composition having controlled flow to produce dental impressions and protective mouthpieces. (Col. 1, ll. 9-15). The composition ingredients include a curable organopolysiloxane polymer, a peroxide curing agent, a reinforcing silica filler and a flowable, resilient reaction product of a polyorganopolysiloxane, a boron-oxygen compound, and ferric chloride. (Col. 1, ll. 62-67) The compositions are obtained by forming a uniform mixture of the polyorganosiloxane, the boron-oxygen compound and ferric chloride; heating and agitating (mixing) the mixture until its viscosity increases; then, allowing the mixture to cool to room temperature. (Col. 3, ll. 55-61)

In applicant's claimed invention, the mould obtained involves the reaction of only two components, not four components as in the patent to White. Furthermore, the controlled, flowable dental impression and protective mouthpiece products of the White patent have no resemblance to the flexible and foldable cooking and baking mould of applicant's invention. There is no suggestion, much less disclosure, in the White patent of rinsing a moulded product in boiling water to remove peroxide odors nor of cleaning the mould by exposing it to ultrasonic treatment.

The patent to Phipps, et.al. discloses a process for removing impurities from polymers by contacting them with a cavitable liquid in the presence of ultrasonic energy (Col. 2, ll. 7 - 24).

The mould product obtained in applicant's claimed invention is subjected to ultrasonic treatment to clean the mould, not remove impurities. In addition, applicant's claimed process does not include the use of a cavitable liquid during the ultrasonic treatment as is *required* in the Phipps, et.al. process.. There is no suggestion, much less disclosure, in the Phipps, et.al. patent of producing silicone baking moulds which are the products of applicant's claimed invention.

The Japanese Abstract discloses washing a silicon wafer used as a semiconductor element. The continuous washing of the silicone wafer includes:

- dipping the wafer in a non-combustible volatile solvent having a boiling point of less than 100 C;
- washing the dipped wafer ultrasonically;
- dipping the ultrasonically washed wafer in water heated to the boiling point of the organic solvent to evaporate the organic solvent;
- dipping the solvent free wafer in pure water; and,
- subjecting the wafer to additional ultrasonic treatment.


It is respectfully submitted that the silicone wafer of the Japanese Abstract can not be equated with the silicone elastomer of applicant's claimed invention nor does the Japanese Abstract suggest or disclose the use of any cross-linking agent. In addition, the silicone wafer semiconductor elements of the Japanese Abstract are rigid products, not flexible and foldable moulds for baking food products as in applicant's claimed invention. Furthermore, the process of the Japanese Abstract does not include the use of boiling water as in applicant's process whereas applicant's process does not include the use of any type of solvent. Finally, applicant's process uses only one ultrasonic treatment, not two as disclosed in the Japanese Abstract.

In support of the rejection of the claims presently in this case, *five* references have been combined in an effort to find applicant's claimed invention "obvious". It is respectfully submitted that such a combination supports novelty, not obviousness. Since references relied upon to support an "obviousness" rejection should be relied upon for what they *fairly* disclose in their entirety to one skilled in the art, it is further respectfully submitted that the effort to pick and choose from these five references only the portions of applicant's claimed method not only distorts the disclosed reference invention, but still fails to combine them in such a way as to render applicant's claimed invention "obvious"

In view of the present amendment and in light of the foregoing remarks it is respectfully submitted that none of the cited and applied references, whether considered singly or in combination, render applicant's claimed invention obvious. Favorable reconsideration of this case and passing the claims herein to an early issue are, therefor, respectfully solicited.

charge any additional fees to Deposit Account No. 06-0515.

Respectfully submitted,

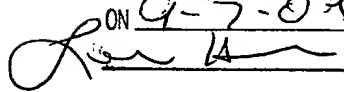


Stephen E. Feldman
Attorney for Applicant(s)
Reg. No. 22,473

12 East 41st Street
New York, NY 10017

212-532-8585

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE FIRST CLASS
AND IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER
OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450
ON 9-7-01



**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.